

Remarks

This Amendment is responsive to the Office Action of **June 4, 2004**. Reexamination and reconsideration of **claims 1-20** is respectfully requested.

Summary of The Office Action

Claims 1-2 and **5-8** were rejected under 35 U.S.C. 103(a) as being unpatentable over Van Doeselaar et al. (US 5,717,576) in view of Juris et al. (US 4,349,241).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Doeselaar et al. (US 5,717,576) and Juris et al. (US 4,349,241) as applied to claim 1 above, and further in view of Dubrow et al. (US 4,900,877).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Doeselaar et al. (US 5,717,576) in view of Juris et al. (US 4,349,241) and Dubrow et al. (US 4,900,877) as applied to claim 3 above, and further in view of Prysner (US 6,225,565 B1).

Claim 9 and **11-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Doeselaar et al. (US 5,717,576) in view of Prysner (US 6,225,565 B1) and Sakata et al. (US 5,981,877).

Claims 17, 18 and **20** are rejected under U.S.C. 103(a) as being unpatentable over Van Doeselaar et al. (US 5,717,576) in view of Dubrow et al. (US 4,900,877), Prysner (US 6,225,565 B1) and Sakata et al. (US 5,981,877).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Doeselaar et al. (US 5,717,576) in view of Prysner (US 6,225,565 B1), Sakata et al. (US 5,981,877) and Dubrow et al. (US 4,900,877).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Doeselaar et al. (US 5,717,576) in view of Dubrow et al. (US 4,900,877), Prysner (US 6,225,565 B1) and

Sakata et al. (US 5,981,877) as applied to claim 17 above, and further in view of Kirma (US 5,126,507).

The Present Claims Patentably Distinguish Over the References of Record

Claims 1-8

Independent claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over Van Doeselaar et al. in view of Juris et al. The Office Action states on page 3 that "Van Doeselaar does not disclose the claimed feature of the second end being adjustably collapsible..." but that Juris et al. teaches this feature and that it would have been obvious to one of ordinary skill in the art to include this feature into the Van Doeselaar teaching. The Office Action points to column 5, lines 63-68 and column 6, lines 1-4 and Figure 2 of the Juris patent. This section of the Juris patent describes a collapsible interfacial seal such as face seal member 42. The interfacial seal member 42 is made from a resilient electrically non-conductive elastomeric material (see column 3, lines 32-34). Conversely, independent claim 1 recites a flexible cable shield having an inner surface formed of an electrically conductive flexible material. Thus, Juris fails to teach or suggest the claimed features of claim 1.

Regarding the combination of Van Doeselaar and the Juris patent, applicants respectfully submit that there is no motivation to combine these references and no motivation to modify the Van Doeselaar teachings to include an adjustably collapsible second end as recited in claim 1. An obviousness rejection must be supported by reasons why one of ordinary skill in the art would have been motivated to select the references and combine them.

There is no teaching or suggestion in the Van Doeselaar or Juris patents that would motivate one of ordinary skill in the art to modify the cable trays 36, 38, or metal mesh 64 of Van Doeselaar, which are connected at both ends, to have a second end that is adjustably collapsible as recited in present claim 1. Indeed, Van Doeselaar states that "the shielded cable trays 36, 38 provide continuity of the Faraday cage of structures 32, 34." (see column 3, lines 64-65). Thus, applicant finds no suggestion that would motivate one of ordinary skill in the art to

modify Van Doeselaar to have a flexible cable shield with a second end that is adjustably collapsible. Such a modification would destroy the intended purpose of Van Doeselaar to have cables that are shielded between structures 32 and 34. Disconnecting the cable trays from the Faraday cage would increase the potential for electrical disturbances affecting the cables within, which is contrary to its purpose of protecting the system from electrical disturbances (see abstract and summary). Thus, such a modification would not be obvious and the obviousness rejection for claim 1 should be withdrawn. Accordingly, claim 1 and dependent claims 2-8 patentably distinguish over the references of record and are in condition for allowance.

Regarding dependent claim 3, Dubrow is directed to a gasket and does not teach or suggest using a metallized fabric for constructing a flexible cable shield as presently claimed. Furthermore, there is no motivation to combine these references. The Office Action states that it would be obvious to use a metallized fabric for a wall on the housing to allow ventilation of the housing. In claim 3, the fabric is not part of the housing, but rather the cable shield, and ventilation is not a reason for its use. Therefore, the rejection of claim 3 as no basis and should be withdrawn.

Regarding dependent claims 6 and 7, these claims were rejected as being obvious under *In re Japiske*, 86 USPQ 70 since rearranging parts of an invention involves only routine skill in the art. However, claims 6 and 7 recite limitations that change the mechanical relationship and functionality of the claimed elements. Therefore, they do not recite merely a rearrangement of parts. Since the claimed features are not taught or suggested by the references of record, claims 6 and 7 patentably distinguish over the references of record and should be in condition for allowance.

Claims 9-16

The obviousness rejection applied towards independent claim 9 was also based on the Van Doeselaar patent being modified to include a second end that is configured to be unattached and constrictable to a plurality of sizes as recited in claim 9. The Sakata patent was used to cure this shortcoming in Van Doeselaar. However, there is no teaching, suggestion, or motivation for one of ordinary skill in the art to modify Van Doeselaar to have a cable conduit with a second end configured to be unattached and constrictable. As described above, Van Doeselaar teaches

cable trays 36 and 38, and braided metal mesh 64 that are connected at each end to the Faraday cages 32 and 34, and does not teach cable conduits having unattached and constrictable ends. As explained above, it is contrary to Van Doeselaar's teaching to have unattached and constrictable cable conduits as recited in claim 9 and therefore is not an obvious modification.

Sakata is directed to a noise-prevention grommet that reduces audible noise from an automobile (see abstract). It shows wires W wrapped in tape T1 which is then put through an elastic tube portion 11 and taped again with tape T2 (see figure 4). Sakata has nothing to do with minimizing electromagnetic interference as recited in present claim 9. Thus, one skilled in the art would have no motivation to combine Sakata and Van Doeselaar. The references of record also fail to teach or suggest a cable conduit constructed with the recited inner and outer surfaces as in claim 9.

Since the references of record individually or in combination fail to teach or suggest the recited elements of claim 9, claim 9 patentably and unobviously distinguishes over the references of record. Accordingly, **Claims 10-16**, dependent therefrom, also patentably distinguish over the references of record and are in condition for allowance.

Regarding dependent claim 10, the rejection is based on the same rejection applied for claim 3. For the same reasons as explained previously, the rejection of claim 10 as no basis and should be withdrawn.

Regarding dependent claims 12 and 13, the Office Action, on page 7, states that Van Doeselaar teaches one or more flaps and an gasket, and identifies column 3, lines 38-54. There is no mention of flaps in Van Doeselaar. As for the gasket, a gasket 44 is shown, however, it is connected to filter 40. It is not part of the cable trays 36 and 38, or the metal mesh 64. Thus, claim 12 and 13 are not taught or suggested by the references of record.

Claims 17-20

Regarding independent claim 17, the applied rejection is conclusory and incorrectly characterizes the references. The Office Action, on page 8, states that Van Doeselaar discloses a cable conduit (metal mesh 64) having an open end, being resilient, having one or more flaps, and

being resiliently openable and closeable to configure the open end of the cable conduit to a plurality of sizes and to closely surround and contact one or more cables passing therethrough.

Applicant respectfully submits that none of these elements exist in Van Doeselaar. To the contrary, Van Doeselaar only discloses that both ends of metal mesh 64 and cable trays 36, 38 (FIGURE 2a and 2b, respectively) are connected to boxes 32 and 34. There is no discussion of an open end or a cable conduit being resiliently openable and closeable to configure an open end to a plurality of sizes, and there are no disclosed flaps as recited in claim 17. The Office Action completely mischaracterizes Van Doeselaar and thus the rejection can not stand.

Furthermore, there is no teaching, suggestion, or motivation to modify Van Doeselaar to produce the system of claim 17. Modifying Van Doeselaar to have a cable conduit with an unattached open end that is resiliently openable and collapsible would be contrary to its intended purpose and function as explained previously.

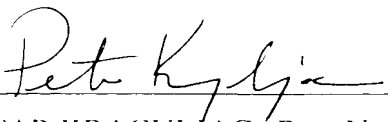
Examiner is invited to contact the attorney of record

If there are any questions regarding this response, the Examiner is invited to contact the undersigned attorney to resolve any outstanding issues.

Conclusion

For the reasons set forth above, **claims 1-20** patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

 Aug. 19, 2003
PETAR KRAGULJAC (Reg. No. 38,520)
(216) 363-4162